

ASSEMBLY BILL

No. 451

Introduced by Assembly Member De Leon

February 24, 2009

An act to repeal and add Article 6 (commencing with Section 41540) of Chapter 3.2 of Part 24 of Division 3 of Title 2 of the Education Code, relating to education finance.

LEGISLATIVE COUNSEL'S DIGEST

AB 451, as introduced, De Leon. Education finance: The Opportunity to Learn Block Grant.

Existing law establishes the public school system in this state, and, among other things, provides for the establishment of school districts throughout the state and for the provision of instruction at the public elementary and secondary schools that these districts operate and maintain. Existing law establishes a public school funding system that includes, among other elements, various block grants, pursuant to which funds are allocated to local educational agencies for specific purposes. The Targeted Instructional Improvement Block Grant is among the block grants established under existing law.

This bill would repeal the provisions that establish the Targeted Instructional Improvement Block Grant. This bill would create the Opportunity to Learn Block Grant, under the administration of the Superintendent of Public Instruction, to provide English language learners, disadvantaged pupils, and certain adults with instructional programs, as specified. The bill would prescribe the purposes for which the Opportunity to Learn Block Grant could be used.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Article 6 (commencing with Section 41540) of Chapter 3.2 of Part 24 of Division 3 of Title 2 of the Education Code is repealed.

SEC. 2. Article 6 (commencing with Section 41540) is added to Chapter 3.2 of Part 24 of Division 3 of Title 2 of the Education Code, to read:

Article 6. The Opportunity to Learn Block Grant

41540. (a) There is hereby established the Opportunity to Learn Block Grant under the administration of the Superintendent. It is the intent of the Legislature that school districts use these block grant funds to provide English language learner pupils and economically disadvantaged pupils in kindergarten and grades 1 to 12, inclusive, and adults, where applicable, with high-quality instructional programs and services in order to increase pupil achievement, including achieving proficiency in the English language.

(b) If a school district is not in violation of a court order regarding desegregation, the school district may expend funds received pursuant to the article for any purpose authorized in this article.

(c) For purposes of this article:

(1) “Economically disadvantaged pupil” is defined pursuant to subdivision (a) of Section 54026.

(2) “English language learner pupil” means a pupil described in subdivision (a) of Section 306 or identified as a pupil of limited English proficiency, as that term is defined in subdivision (m) of Section 52163.

(3) “School district” includes a county office of education if county offices of education are eligible to receive funds for the programs that are listed in Section 41541. The block grant of a county office of education shall be based on only those programs for which it was eligible to receive funds in the 2008–09 fiscal year.

41541. The Opportunity to Learn Block Grant shall be used for any of the following purposes:

1 (a) To establish and support programs that provide direct pupil
2 services to English language learner pupils and economically
3 disadvantaged pupils in kindergarten and grades 1 to 12, inclusive,
4 in order to improve the academic achievement of these pupils,
5 including achieving proficiency in English.

6 (b) To provide professional development to teachers of English
7 language learner pupils and economically disadvantaged pupils
8 that is based on the state academic content standards pursuant to
9 Section 60605 and the English language development standards
10 pursuant to Section 60811.

11 (c) Establish and support programs that provide direct
12 instructional support in order for English language learner pupils
13 and economically disadvantaged pupils to meet high school
14 graduation requirements pursuant to Section 51225.3 and to meet
15 the California High School Exit examination graduation
16 requirement pursuant to Section 60851.

17 (d) Provide free or subsidized programs of adult English
18 language instruction to parents or other members of the community
19 who pledge to provide personal English language tutoring to
20 improve the English language proficiency of California children
21 with limited English proficiency.

22 41542. (a) The Opportunity to Learn Block Grant shall include
23 funding appropriated to school districts prior to January 1, 2010,
24 for the following programs:

25 (1) Targeted Instructional Improvement Block Grant, as set
26 forth in former Article 6 (commencing with Section 41540) as it
27 read on December 31, 2009.

28 (2) English Language Acquisition Program, as set forth in
29 Chapter 4 (commencing with Section 400) of Part 1 of Division 1
30 of Title 1.

31 (3) Community-based English Tutoring, as set forth in Article
32 4 (commencing with Section 315) of Chapter 3 of Part 1 Division
33 1 of Title 1.

34 (4) Bilingual Teacher Training Assistance Program, as set forth
35 in Article 4 (commencing with Section 52180) of Chapter 7 of
36 Part 28 of Division 4.

37 (5) Professional development to address the needs of teachers
38 of English learners pursuant to Chapter 524 of the Statutes of 2006
39 as allocated in Provision (3) of Item 6110-137-0001 of Section
40 2.00 of the annual Budget Act.

1 (6) Economic impact aid, as set forth in Article 2 (commencing
2 with Section 54020) of Chapter 1 of Part 29 of Division 4.

3 (b) A school district may expend funds received pursuant to
4 this block grant for any purpose authorized by the programs listed
5 in subdivision (a), as the statutes governing those programs read
6 on December 31, 2009.

7 (c) For the 2010–11 fiscal year, the Superintendent shall
8 apportion block grant funds to a school districts in the same relative
9 statewide proportion that the school district received in the 2008–09
10 fiscal year for the purposes specified in Section 41541.

11 (d) (1) Commencing with the 2010–11 fiscal year, the
12 Superintendent shall apportion block grant funds to a school district
13 for purposes specified in subdivision (a) pursuant to Section 54022.

14 (2) School districts that provide instructional services to adults
15 pursuant to paragraph (3) of subdivision (a) shall use no more than
16 ___ percent of their total allocation for this purpose.

17 41543. The amount of funding a school district or charter
18 school receives pursuant to this article shall be adjusted annually
19 for inflation by the amount calculated pursuant to Section 42238.1
20 and growth as measured by the regular average daily attendance
21 used to calculate the second principal apportionment for
22 kindergarten and grades 1 to 12, inclusive, unless otherwise
23 provided in the annual Budget Act.

24 41544. In expending funds received pursuant to this article, a
25 school district shall give first priority to funding the costs of a
26 court-ordered desegregation program if the order exists and is still
27 in force.